

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 11 C 8260
)	
AIR SUPPLY AIR CONDITIONING)	JUDGE MILTON I. SHADUR
& HEATING, INC., an Illinois corporation,)	
)	
Defendant.)	

**MOTION FOR ENTRY OF JUDGMENT
AND FOR AN ORDER DIRECTING DEFENDANT
TO TURN OVER ITS MONTHLY FRINGE BENEFIT
CONTRIBUTION REPORTS FOR 9/11**

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on January 25, 2012, move for entry of an order directing AIR SUPPLY AIR CONDITIONING & HEATING, INC., an Illinois corporation, Defendant herein, to turn over its monthly fringe benefit contribution report due for the month of September 2011, pursuant to the Agreements and Declarations of Trust to which Defendant is bound, the monthly contribution report being required in order to fully liquidate Plaintiffs' claims. Further, Plaintiffs request this Court enter partial judgment against Defendant, AIR SUPPLY AIR CONDITIONING & HEATING, INC., an Illinois corporation. In support of this Motion, Plaintiffs state:

1. On January 25, 2012, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for the months of July 2011, August 2011, November 2011 and December 2011.

The Court also entered an order that judgment would be entered after Defendant submitted the required reports and Plaintiffs determined the amounts due and owing.

2. On or about January 25, 2012, Defendant submitted its monthly fringe benefit contribution reports for the months of July 2011, August 2011, November 2011 and December 2011. Defendant also paid the fringe benefit contributions due thereon. However, because the contributions were untimely paid, Defendant has incurred liquidated damages for the months of July 2011, August 2011 and November 2011 in the amount of \$1,120.45. (See Affidavit of Scott P. Wille).

3. Defendant has submitted monthly contribution reports to the Plaintiffs identifying employees of the Defendant who performed work covered by the collective bargaining agreement, and the number of hours worked by or paid to those employees for the months of April 2008 through June 2008. Said monthly contribution reports establish that Defendant owes the Plaintiffs the amount of \$5,254.51 in contributions and the additional sum of \$525.45 in liquidated damages, for a total of \$5,779.96 (Wille Aff. ¶4(b)).

4. Pursuant to such Agreements and Declarations of Trust, Defendant is required to submit monthly contribution reports to the Plaintiffs that indicate all employees of the Defendant covered by the collective bargaining agreement referred to in the Complaint, and the number of hours worked or paid for pursuant to the terms of the collective bargaining agreement referred to herein.

5. Defendant has failed to submit its monthly fringe benefit contribution report for the month of September 2011.

6. Plaintiffs' firm has expended the amount of \$435.00 in costs and \$1,239.75 in attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

7. Based upon the documents attached hereto, Plaintiffs request entry of partial judgment in the total amount of \$8,575.16.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$8,575.16.

Further, Plaintiffs respectfully request that this Court enter an order requiring Defendant to submit its monthly fringe benefit contribution report for the month of September 2011, within fourteen (14) days of the entry of this Order, and that the Court enter final judgment against Defendant after Plaintiffs determine all amounts due from Defendant.

/s/ Jennifer L. Dunitz-Geiringer

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 11th day of April 2012:

Mr. Thomas J. Shannon, Registered Agent
Air Supply Air Conditioning & Heating, Inc.
Shannon & Associates, Ltd.
8 S. Michigan Avenue, Suite 2600
Chicago, IL 60603

Ms. Heather Wolf, President
Air Supply Air Conditioning & Heating, Inc.
8N450 Tameling Court, Unit B
Bartlett, IL 60103

/s/ Jennifer L. Dunitz-Geiringer

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